

10 Rec'd PTO 28 FEB 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HOWSE et al.

Serial No.: 09/736,023

Filed: December 20, 2000

For: A METHOD AND APPARATUS FOR CONTROLLING PESTS

Attention:

PCT BOX MISSING PARTS

RESPONSE AND SUBMISSION OF MISSING PARTS OF APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Official Action dated January 23, 2001, in connection with the above-identified application. The period for response has been extended to expire on March 23, 2001 by the filing herewith of a Petition for a One Month Extension of Time and payment of the required fee for small entity.

The Official Action acknowledges receipt of the application, but indicates that a Declaration in compliance with 37 C.F.R. §1.497(a) and (b) is required. Applicants submit herewith a properly and fully executed Declaration which identifies the application by serial number, title and PCT international application number. A copy of form PCT/DO/EO/905 is submitted herewith along with the required \$65.00 surcharge.

Applicants also submit concurrently herewith an Assignment for this application.

It is believed that the application is now in condition for examination. Accordingly, applicants most respectfully request that an Official Filing Receipt be issued and that the application be forwarded to the appropriate examining group for its examination in due course.

Respectfully submitted,
BACON & THOMAS, PLLC

By: Richard E. Fichter
RICHARD E. FICHTER
Registration No. 26,382

625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: 703-683-0500
Facsimile: 703-683-1080
REF/kdd

MissPts PCT Ltr toPTO.wpd
February 28, 2001

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

| | | |
|---|---|---|
| Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371. | | Attorney's Docket Number REF/HOWSE/023 |
| | | U.S. Application Number 09/736,023 |
| International Application Number PCT/GB99/02090 | International Filing Date July 1, 1999 | Priority Date Claimed July 3, 1998 |
| Title of Invention A METHOD AND APPARATUS FOR CONTROLLING PESTS | | |
| Applicant(s) for DO/EO/US HOWSE et al. | | |

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:

1. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
2. ☒ An oath or declaration of the inventor(s) (35 USC 371(c)(4)). (☒ Executed ☐ Unexecuted)
3. ☒ A copy of Form PCT/DO/EO/905 dated: January 23, 2001.
4. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
5. ☒ An assignment document for recording.
A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
6. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
7. ☐ A substitute specification.
8. ☐ A change of power of attorney and/or address letter.
9. ☒ Applicants assert that small entity status applies.
10. ☐ A Request for Refund.
11. ☒ Surcharge in the amount of \$ 65.00.
12. ☒ Assignment recordation fee of \$ 40.00.
13. ☐ Processing fee of \$ for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

A check in the amount of \$ 105.00 to cover the fees is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
BACON & THOMAS, PLLC

By: Richard E. Fichter
RICHARD E. FICHTER
Registration No. 26,382

BACON & THOMAS, PLLC
625 Slaters Lane - 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500

Date: February 28, 2001

03/05/2001 HNGUYEN 00000076 09736023

02 FC:254

65.00 OP

10 Rest

28 FEB 2001



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: ASSISTANT COMMISSIONER FOR PATENTS
 Box PCT
 Washington, D.C. 20231

| | | |
|---|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/736023 | HOWSE ETAL | REF/HOWSE/09 |
| BACON & THOMAS FOURTH FLOOR 625 SLATERS LANE ALEXANDRIA, VA 22314 1176 | | |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/GB99/02090 | | |
| I.A. FILING DATE | PRIORITY DATE | |
| 01 JUL 99 | 03 JUL 98 | |
| DATE MAILED: | | |

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

23 JAN 2001

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____

☒ Information Disclosure Statement(s) filed 20 DEC. 2000 and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☒ Other. IB 306

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(c)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Christine S. Washington

Telephone: 703-305-3752

Feb 23, 2001 (7-23-01)